IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWELFTH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE G. BIKSHAPATHY

and
THE HON'BLE MR JUSTICE B.SESHASAYANA REDDY

WRIT PETITION NO : 6118 of 2004

Between:

A.P.Felix, S/o A.J.Kochupappy,
O/o The Joint Director, S.I.B., 7th Floor, Taramandal Complex,
Hyderabad.

..... PETITIONER

AND

1 Union of India, rep.by its Director,
Intelligence Bureau, North Block, New Delhi.
2 Joint Director, S.I.B.4-5-368-379, Sultan Bazar, Koti,
Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate Writ or Direction more particularly one in the nature of Certiorari calling for the records pertaining to O.A.No.1462 of 2001 dated 30/01/2004 on the file of the Central Administrative Tribunal, Hyderabad Bench and set aside teh same and also may be pleased to quash the letter No.21/Estt(PF)97(2)- 1089 dated 16/07/2001 for declaring that the second charge sheet cannot be issued for the action of the respondents is arbitrary, illegal and unjust

Counsel for the Petitioner:MR.M.V.KRISHNA MOHAN

Counsel for the Respondents: MR.A.RAJASHEKAR REDDY (SC FOR CG)

The Court made the following :

ORDER (Per G.B.J)

This Writ Petition is filed challenging the order passed by the Central Administrative Tribunal, (for brevity Tribunal) Hyderabad, in O.A.No.1462 of 2001 dated 30-01-2004.

2. It is the case of the petitioner that he was issued with a charge sheet dt.15-05-2000 and the enquiry was conducted. But, however, final orders were not passed. In the meanwhile the respondent issued a second charge sheet dated 16-07-2001 for the same set of charges, which form part of charge sheet dated 15-05-2000. Therefore the challenge was made to the second charge sheet. It is also brought to the notice of this Court that after the charge sheet dated 16-07-2001 was issued, final orders were passed in respect of charge sheet dated 15-05-2000. However, the learned Tribunal holding that the charges framed in charge sheet dated 15-05-2000 and the charge sheet dated 16-07-2001 are different and distinct, dismissed the above O.A. Against the said order, the present Writ Petition has been filed.

3. The learned Counsel for the petitioner submits that when the same set of charges are being framed and on earlier occasion the charge sheet was issued on 15-05-2000, which ended in punishment, there could not be another charge sheet for similar irreguarities or allegations and therefore, the Tribunal ought to have interfered with the second charge sheet.

4. We are afraid we cannot find any deficiency in the orders passed by the Tribunal as it has categorically found that there is difference in two charges and therefore dismissed the application filed by the petitioner. We are not in a position to find any flaw in the orders passed by the Tribunal.

5. Accordingly, the Writ Petition is dismissed. No costs.

G.BIKSHAPATHY

B.SESHASAYANA REDDY

Dated 12-07-2004

Hsd

ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1 Union of India, rep.by its Director,
Intelligence Bureau, North Block, New Delhi.
2 Joint Director, S.I.B.4-5-368-379, Sultan Bazar, Koti,
Hyderabad.

3. 2 C.D.copies

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